

Application No. 10/647,914
Response to Office Action
Dated February 7, 2006
August 7, 2006

REMARKS/ARGUMENTS

In the Office Action of February 7, 2006, the Examiner once again repeated his position that claims 67-84 are anticipated by the Applied Materials U.S. Patent No. 6,290,865 patent ("the '865 patent"). In support of that position, the Examiner has concluded that claims 67-84 are not supported by applicant's parent application, and specifically U.S. Patent No. 6,350,319 ("the '319 patent"), and therefore the claims in this applicant cannot be accorded the filing date of that application.

The Examiner has adhered to his earlier position, namely that the specification of the present application as copied from the Applied Materials '865 patent require removal of a metal film from one side of the substrate. Applicants take issue with that position. Indeed, on their face, the claims call for removing a film of "deposited metal material"; the claims do not call for removal of a metal film. Therefore, applicants insist that the present claims are supported by applicants earlier application or the '319 patent and therefore the applied Materials '865 patent is not prior art.


As an additional ground for allowance of the present claims, applicants will submit shortly a declaration under 37 C.F.R. § 1.131. That declaration establishes that the Semitool engineers, including Mr. Curtis and myself, conceived and reduced to practice, prior to the effective filing date of the Applied Materials '865 patent, a process falling within the claims of the present application. Applicants therefore submit that the declaration establishes that the

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Applied Materials '865 patent is not prior art. Once filed, the declaration under 37 C.F.R. § 1.131 establishes a prima facie case of prior invention by applicants.

In view of the foregoing, the Examiner is respectfully requested to reconsider this application. The declaration will be submitted shortly by way of a supplementary amendment.

Respectfully submitted,



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CERTIFICATE OF MAILING (37 C.F.R. § 1.10)

I hereby certify that this correspondence and/or fee is, on the date show below, being deposited with the United States Postal Services as Express Mail Post Office to Addressee, No. EV 871553622 US, with sufficient postage, August 7, 2006.



Eileen Madrigal